Sudhir Kant Nagar vs. State of Rajasthan
(D.B.Civil Special Appeal No.734/1993)

Dated:- 12th July, 2006.

HON'BLE THE CHIEF JUSTICE MR.S.N.JHA
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr.M.R.Singhvi, for the appellant.
Mr.S.K.Vyas, Additional Advocate General for the State.

The dispute in this Special Appeal related to stepping up of pay of the appellant at par with one S.C.Mahagaonkar. The learned Single Judge found that Mahagaonkar had been given three annual grade increments at the time of his initial appointment in view of his higher educational qualifications and the appellant was not entitled to the benefit of pay at par with him. During pendency of this appeal, the appellant died on 1.1.1999. It is stated at the bar that during the intervening period the Departmental Promotion Committee had considered the case of the appellant for promotion on the post of Senior Town Planner but in view of pendency of the departmental inquiry, the recommendation of the Departmental Promotion Committee was kept in sealed cover. After death of the appellant, on the disciplinary proceeding coming to an end, the sealed cover was opened and in view of the recommendation of the DPC, on 5.8.2004 he was granted promotion on the post of Senior Town Planner with effect from 1995.

Counsel for the respondent submitted that the appeal has become incompetent as a result of the death of the sole appellant, having regard to the relief claimed by him. We do not wish to go into this aspect. The appellant stands promoted albeit later w.e.f. 1995, and with his death, his claim of stepping up of pay came to an end. Shri M.R.Singhvi, learned counsel for the appellant stated that in such circumstances he would not press the appeal. Instead, he submitted the statement of the learned counsel for the respondent as aforesaid be recorded and the appeal disposed of accordingly.

The appeal is accordingly disposed of.

(MOHAMMAD RAFIQ),J. **(S.N.JHA),C.J.**

Aditya/-